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Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/601,846 09/19/00 BRUCK

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EXAMINER

PM82/0913

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SUITE 473
866 UNITED NATIONS PLAZA
NEW YORK NY 10017

COHEN, C

ART UNIT

PAPER NUMBER

3634

DATE MAILED:

09/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/601,846

Applicant(s)
Bruck

Examiner
Curtis Cohen

Art Unit
3634



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sep 19, 2000
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-44 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc. In this case, the use of the terms "invention" should be avoided by deleting this language from the abstract.

Drawings

New formal drawings are required in this application because the application does not include copies of the drawings filed with the PCT application. Applicant must file copies of the drawing with the appropriate Figure numbers and reference numbers. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the Patent and Trademark Office no longer prepares new drawings.

Claim Objections

Claims 23-44 are objected to because of the following informalities: Before the first work in every claim, the article "A" should be inserted. Claim 23, line 4, the phrase "is produced foam injected" is grammatically insufficient and must be amended accordingly. One remedy would be to insert the term --by-- before the word "foam."

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Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 23-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23, line 5, the phrase “to a cross section has two solid boundary layers” is indefinite. It is unclear as to what element does the claim refer to as having the two solid boundary layers. That is, “to a cross section” of what?

Claims 25, 26, 31, 35, and 39 all contain similar language that is indefinite. Claim 25 states in the last two words of the claim, “moulded on.” This is indefinite because it is unclear what element the collar is “moulded on?” Claim 26, the term “moulded out” it is unclear what element the cable is “moulded out” of? Claims 26, 31, 35 and 39, it is unclear in all of these claims how an element can be “moulded out” of anything. When one element is “moulded” by a second element, then it is generally inherent that the element is “moulded in” rather than “out.”

Claim 29, the term “inserted” is indefinite because it is unclear where the support plate is inserted. Furthermore, this appears to be a product by process limitation if the claim is requiring that the plate must be assembled by “inserting” and not by another process. Note that product by

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process limitation are given little patentable weight. Rather, patentability is not determined by the process by which the product was made. Patentability is determined by the final product made.

Claim 32, line 3, the term "strip-like" is indefinite because the claim include elements not actually disclosed (those encompassed by "like"), thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d).

Claim 34, the phrase "integrally formed groove" is indefinite. It is unclear in which element this groove is located.

Regarding claim 35, the word "means" is used in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the words preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Claim 35, line 4, the term "a rear side" is indefinite because it is unclear to which element the claim refers.

Claim 35, line 4, the term "another wide face" is indefinite because it connotate that the claim previously sets forth a first wide face, which apparently was not.

Claim 37, the use of the abbreviation HMS is indefinite. Applicant must use the actual terminology of the abbreviated letters.

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Claim 38, the phrase "fillers or reinforcing substances" is indefinite because it is unclear exactly what material constitutes a filler or reinforcing substance.

Regarding claim 41, the phrase "and the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim 42, line 2, the phrase "wherein some material is removed or a cut which does not" is indefinite. This phrase may be either grammatically or punctually indefinite or both. It is unclear which problem exists. First, when using phrase beginning with "which", the phrase should be set between commas. Now, if this is the intended punctuation, then there is a problem with the use of the terms "removed" and "cut" because they are not equivalents. So, to claim that the material is "removed *or* [emphasis added] cut" is indefinite.

Claim 44, it is indefinite how providing clips, secured to the door internal element, *leaves an integral outer skin*.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claim 23 is rejected under 35 U.S.C. 102(b) as being anticipated by Welch #4,783,114.

Welch teaches a door having an inner door element made of an injected foam material. The boundary layers are taught by the inner and outer most surfaces and the central layer is taught by the foam material located between the inner and outer most layers.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24-44 are rejected, as best understood considering the lack of drawings and the extensive Section 112 (2nd) rejections, under 35 U.S.C. 103(a) as being unpatentable over Welch #4,783,114 in view of Kidd #4,848,829. Welch teaches the invention as discussed in the Section 102 rejection above. Welch fails to disclose a elements being molded into the foamed material. Kidd teaches that it is generally known in the art to provide elements, such as cables, to be molded into the foamed element of the door. Doing so provides a waterproof environment for the cables and any other element molded therein. For this reason, it would have been obvious to one having ordinary skill in the art, at the time of applicant's invention, to provide Welch with

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particular known door elements, such as cable holder, speakers and bushing, molded therein as taught by Kidd.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Curtis Cohen whose telephone number is (703) 308-2106.

The fax phone number for this Group is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.



C. Cohen

September 7, 2001